

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:13-CR-00019-F-1

UNITED STATES OF AMERICA)
)
 v.)
)
RANDOLPH LEVY HYMAN, JR.,)
 Defendant.)

O R D E R

This matter is before the court on Defendant's letter motion requesting a psychiatric examination [DE-50] and Defendant's counsel's Motion for Psychological Examination to Determine Competency [DE-53] pursuant to 18 U.S.C. § 4241. In his motion, Defendant asserts that his mental state has been documented by professionals in the past, and he requests that this court order a mental examination. In Defendant's counsel's motion, Defendant's counsel argues that there is reasonable cause to believe that Defendant is suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him.

It appears to the court that there is reasonable cause to believe that Defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that Defendant is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and it would be in the interest of justice to allow the motions.

Now, therefore, IT IS ORDERED that Defendant's letter motion requesting a psychiatric examination [DE-50] and Defendant's counsel's Motion for Psychological Examination to Determine Competency [DE-53] are ALLOWED as follows:

1. Defendant is to be examined by at least one qualified psychiatrist or psychologist under the provisions of 18 U.S.C. § 4241 to determine his mental competency. The examining psychiatrist or psychologist shall prepare a written report containing the information designated in 18 U.S.C. § 4247(c)(1), (c)(2), (c)(3), and (c)(4)(A).

2. Defendant is to be committed to the Federal Correctional Institution at Butner, or to a suitable federal institution to be designated by the Attorney General for psychiatric or psychological examination. Custody of Defendant for the purposes of examining him shall be for a reasonable time, but not to exceed thirty (30) days.

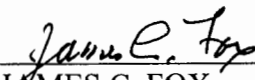
3. The psychiatric or psychological reports shall be filed with the court, with copies provided to the attorney for the Government and Defendant's counsel. Said reports shall comply with 18 U.S.C. § 4247.

4. A certified copy of this Order shall be delivered to the examining psychiatrist or psychologist.

Upon completion of the psychiatric examination and the filing of the reports, the Clerk of Court is DIRECTED to schedule a hearing in this matter to determine the mental competency of Defendant.

SO ORDERED.

This 24th day of February, 2014.



JAMES C. FOX
United States District Judge

Defense Counsel: Edwin C. Walker
Prosecutor: John H. Bennett